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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/002,747 01/05/98 HORNE

D 042390.P5112

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WM02/0411

EXAMINER

GHEBRETINSAE, T

ART UNIT

PAPER NUMBER

2631

DATE MAILED:

04/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.
09/002,747

Applicant(s)
DAVID HORNE

Examiner
TEMESGHEN GHEBRETINSAE

Group Art Unit
2631



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Mar 26, 2001 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
 - ☐ will not be entered because:
 - ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: 2, 4, 7, and 9

Claims rejected: 1, 3, 5, 6, 8, 10, and 11

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

TEMESGHEN GHEBRETINSAE
PRIMARY EXAMINER
ART UNIT 2631

Art Unit: 2631

Response to Arguments

1. Applicant's arguments filed 3/26/01 have been fully considered but they are not persuasive.
2. In response to applicant argument the removal of the finality of the office action. The amended claims are distinct from the previous claim in that the previous claim were specifically directed in the field of direct sequence CDMA spread spectrum communication area but the present amended claims are not. Thus, the present claimed invention is different and broader than the previous claims.
3. In response to 103 rejection based on Crespo in view of Gudmundson. It should have been only based on Crespo. It was a typographical error.
4. In response to the 102 rejection based on Gudmundson. Examiner agrees with applicant thus the rejection has been withdrawn.
5. In response to 102 rejection based on Hasegawa. The rejection stands because Hasegawa discloses a codebook or a set containing a plurality of PN codes(PN-1 to PN-K) which are assigned to a transmitter . A codebook in this application is nothing but ***a set containing a plurality of PN codes***. Hasegawa discloses a set containing a plurality of PN codes assigned to a transmitter.

TEMESGHEN GHEBRETISSAE
PRIMARY EXAMINER